

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Greenlight Capital, Inc., DME Capital
Management, LP,

Plaintiffs,

– against –

James T. Fishback,

Defendant.
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Case No.: 24-cv-04832-PAE

**OFFER OF JUDGMENT
PURSUANT TO FEDERAL
RULE OF CIVIL
PROCEDURE 68**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, defendant James T. Fishback (“Mr. Fishback”), by his undersigned counsel, hereby makes an offer of judgment in the above-captioned action as follows:

Mr. Fishback will agree to the entry of an injunction permanently enjoining Mr. Fishback from: (i) retaining any Confidential Information in any form (including computer files, removable media “thumb drives,” CDs, electronic files on removal media or in any other electronic form, and hard copy documents) and returning all copies of such documents, materials, computer files and other data to Greenlight, and destroying any such Confidential Information that would remain in Fishback’s possession even following return (i.e., computer files); and (ii) disclosing or otherwise using Greenlight’s Confidential Information.

This offer of judgment is made for the purposes specified in Rule 68, and is not to be construed as an admission that Fishback is liable in this action or that Plaintiffs have suffered any injury.

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, this offer may be accepted by written notice served on or before April 16, 2025, after which this offer shall be deemed rejected.

Dated: April 2, 2025

ABRAMS FENSTERMAN, LLP

By: /s/ Justin T. Kelton

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